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August 1, 2016

Via ECF and E-Mail

Honorable Richard J. Sullivan
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2104
New York, New York 10007

**Re: *Next Communications, Inc. and NxtGn, Inc. v. Viber Media S.à r.l.*
1:14-cv-08190-RJS**

Dear Judge Sullivan:

We submit this letter on behalf of Defendant Viber Media S.à r.l. ("Viber"), pursuant to Rule 2G of your Honor's Individual Rules and Practices. Viber respectfully requests permission to attach three exhibits to a joint letter to the Court which Viber has prepared, and which it intends to submit by August 4, 2016, concerning the failure of Plaintiffs Next Communications, Inc. and NxtGn, Inc. (collectively, "Plaintiffs") to comply with their Phase I discovery obligations under the Court's Case Management Plan and Scheduling Order dated May 23, 2016 (Dkt. #87) (the "Order").

In its portion of the joint discovery-dispute letter, Viber details Plaintiffs' non-compliance with their Phase I obligations set forth in the Order, including their failure to produce and identify claimed trade secrets and proprietary information at issue in the above-referenced action. In order for your Honor to be able to fully consider the parties' dispute, Viber contends that the Phase I documents produced by Plaintiffs (of which there are only 122 pages) (the "Phase I Production") must be included as an exhibit to the letter. Viber proposes to submit the Phase I Production only to your Honor, and not e-file same, until the Court otherwise directs, because Plaintiffs have labeled such production as "Highly Confidential – Attorney's Eyes Only". Viber reserves its right to contest such designation, which is clearly not warranted.

In light of the foregoing, Viber respectfully requests permission to submit the Phase I Production, together with a short letter from Viber's counsel to Plaintiffs' counsel, and Plaintiffs' counsel's single-page email response, as exhibits to the parties' joint letter regarding their discovery dispute.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey P. Weingart".

Jeffrey P. Weingart